

A suit for rent does not come under this section, the title to land not being "necessarily and directly in issue." This section must be construed in connection with sections 6 and 8. *Randle v. Sutton*, 43 Md. 88; *Deltrich v. Swartz*, 41 Md. 200; *Legum v. Blank*, 105 Md. 131; *Shippler v. Broom*, 62 Md. 319.

This section does not oust the justice's jurisdiction in a proceeding for the recovery of demised premises in Baltimore city, where the question is whether or not the defendant rented them from the plaintiff. *Josselson v. Sonneborn*, 110 Md. 549.

Neither a justice nor the city court on appeal, has jurisdiction to determine whether a title has expired; and it makes no difference that it did not appear that the matter of jurisdiction was raised before the justice or in the city court. *Presstman v. Silljacks*, 52 Md. 660.

How the question of jurisdiction should be raised before the justice, and also on appeal. Bills of exception are not allowed. *Shippler v. Brown*, 62 Md. 319; *Cole v. Hynes*, 46 Md. 183. *Cf. Presstman v. Silljacks*, 52 Md. 660.

Cited but not construed in *O'Reilly v. Murdock*, 1 Gill. 38.

As to landlord and tenant cases, see art. 53, sec. 5.

1904, art. 52, sec. 8. 1888, art. 51, sec. 8. 1860, art. 51, sec. 33. 1813, ch. 162, secs. 1, 5. 1824, ch. 138, sec. 6. 1825, ch. 51, sec. 1.

8. If the defendant in an action before a justice of the peace for cutting, destroying or carrying away timber or wood to or from any land in this State or for doing any other injury to such lands shall allege in writing that he claims title to said lands or that he acted under a person claiming title to the same, whom he shall name in such allegation, and shall verify said allegation by oath, the justice shall take no further cognizance of the case.

This section held to have no application, and hence the defendant was not affected by a failure to file the allegation as to claim of title. *Josselson v. Sonneborn*, 110 Md. 549. *Cf. Shippler v. Broom*, 62 Md. 319; *Cole v. Hynes*, 46 Md. 183.

Cited but not construed in *Legum v. Blank*, 105 Md. 128.

See notes to sec. 7.

*Ibid.* sec. 9. 1888, art. 52, sec. 9. 1860, art. 51, sec. 31. 1819, ch. 167, sec. 2. 1892, ch. 619. 1902, ch. 408.

9. The jurisdiction of justices of the peace of the State of Maryland shall extend to all cases wherein executors or administrators are parties, plaintiffs or defendants, except that no administrator or executor shall be sued before a justice of the peace within thirteen months from the date of his letters, unless such executor or administrator shall within six months of the date of such letters dispute or reject any claim filed against his descendant's estate.

See art. 93, sec. 104.

*Ibid.* sec. 10. 1888, art. 52, sec. 10. 1860, art. 51, sec. 32. 1819, ch. 167, sec. 2.

10. If any administrator shall allege in writing and verify the same by oath that he has no assets in his hands, or that he has reasonable cause to believe the assets will not be sufficient to pay the debts of the decedent, then the justice of the peace shall transmit the proceedings in relation thereto to the next circuit court for the county, or the Baltimore city court, and such court shall hear and decide the case.

See art. 26, sec. 26, *et seq.*